

MONTVILLE TOWNSHIP PLANNING BOARD
Held Virtually Through WebEx
Minutes of Thursday, April 8, 2021

Chairman Lewis called the meeting to order at 7:30 p.m. and welcomed everyone to the Montville Township Planning Board hearing and asked everyone to turn off their cell phones. Ms. Kehoe took the roll call.

ROLL CALL

PRESENT R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, N. Agnoli,
R. Lipari, P. Repic, C. Fano & G. Lewis

ABSENT A. Adrignolo

ALSO PRESENT J. Mowles (Secretary) & K. Kehoe (Recording Secretary)

PROFESSIONALS M. Carroll (Board Attorney), S. Omland (Engineer)
& J. Burgis (Board Planner)

ANNOUNCEMENTS

Chairman Lewis asked the board members to consider skipping the Liaisons Reports every other meeting going forward to leave extra time for the applicants.

PLEDGE OF ALLEGIANCE & STATEMENT OF COMPLIANCE

As required by the Open Public Meetings Act, adequate notice of this meeting has been provided, which notice specified the time and place of the meeting to the extent known at that time. The notice was posted on the bulletin board at the Municipal Building, sent to the Daily Record and the Citizen, posted on the Township's website calendar, and placed on file at the Township Clerk's office. This meeting has been properly noticed to the public in accordance with the Open Public Meetings Act.

COMMITTEE & LIAISON REPORTS

Chairman Lewis asked for Committee and Liaison member reports:

Board of Adjustment – Chairman Lewis said they met on 4-7-21 where the testimony continued on demographics for the Monarch application. It was carried to a special meeting in May.

Board of Health – Mr. Lipari had no report.

Environmental Commission – Dr. Kornreich said they have not met, therefore no report.

Water & Sewer – Vice Chairman Maggio had no report.

Historic Preservation Review Commission – Mr. Adrignolo was absent.

Design Review Committee – Mr. Braden had no report.

Site Plan/Subdivision Committee – Mr. Braden said they have not met, therefore no report.

Economic Development Committee – Mayor Cooney had no report.

Open Space Committee – Mr. Agnoli had no report.

Master Plan – Chairman Lewis asked about the status of the service station amendment. Mayor Cooney said he would talk to administration about adding it to the agenda.

Fire Districts – Committeeman Conklin (Towaco) had no report, Vice Chairman Maggio (Montville) had no report, and Mr. Braden (Pine Brook) had no report.

Township Committee Mayor’s Report – Mayor Cooney had no report.

SWEARING IN OF PROFESSIONALS

Mr. Carroll swore in Board Professionals.

SECRETARY’S REPORT

Secretary J. Mowles reported that she received an application for V& V Recycling property for housing. Chairman Lewis said they would need to meet with the TRC.

BOARD DISCUSSION

Ms. Fano inquired if any board members had time to review the YouTube video for support of housing. No one had. Chairman Lewis said the timing may not be favorable right now and he explained the process for changes to be made during the re-examination or Master Plan redevelopment. He said would be put on the agenda for a future discussion.

Mr. Braden asked Mayor Cooney about hybrid meetings and was curious as to whether or not Montville Township is preparing for this as far as technology and/or when they would be going back to in-person meetings. Mayor Cooney said that they are looking into upgrading the technology. He said there are still going to be no in-person meeting. They spoke to the attorney about it this week and there will be a need to have hybrid meeting for a long time going forward.

PUBLIC DISCUSSION

Chairman Lewis opened the session to public comment for items not listed on the agenda related to land use matters. There being no public discussion, the meeting was closed for public comment for items not listed on the agenda related to land use matters by Mr. Braden, seconded by Vice Chairman Maggio. All present were in favor. None opposed.

PLANNING BUSINESS

There was no Planning Business to come before the board.

WAIVERS

PMISC21-11 Adams Health Services LLC - 101 Route 46 East, Building 14, Unit 130 - BL: 181, L: .1 - 2,130 s.f. (1,724 sf office/ 406 sf warehouse) space for medical clinic internal medicine and medical billings – 6 employees working 2 shifts - hours of operation: 8am – 11pm, M-Sat, closed Sundays - no truck activity, no overnight parking of vehicles – no signage requested at this time, will provide in the future

A motion to approve the waiver was made by Mr. Braden, seconded by Dr. Kornreich. All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic, C. Fano & G. Lewis)

INVOICES

There were no Invoices to come before the board.

RESOLUTIONS

There were no Resolutions to come before the board.

MINUTES

Planning Board Minutes of February 25, 2021 – Eligible: Agnoli, Kornreich, Repic, Maggio

A motion to approve the minutes was made by Dr. Kornreich, seconded by Mr. Repic. Voice Vote of Eligibles. All in Favor. None Opposed.

LOI/DEP NOTIFICATIONS

There was no LOI/DEP Notifications to come before the board.

LEGAL/LEGISLATIVE UPDATES

There was no Legal/Legislative Updates to come before the board.

OLD BUSINESS

There was no Old Business to come before the board.

NEW BUSINESS

****PSPP/FC/PSOIL21-0 – Catbridge Machinery – 115 Main Rd – B: 51, L: 28.01 – pre/final site plan /soil movement/variances for addition to existing building – carried with notice from 3/25/21 ACT BY: 5/3/21**

****CARRIED WITH NOTICE TO SPECIAL MEETING 4/29/21**

****PSPP/F/C/PSOIL20-15– Sea Breeze – 441 Main Rd – B: 81, L: 4 - Prelim/Final site plan with variances for addition to existing commercial building. ACT BY: 6/16/21**

****RESCHEDULED TO 5/13/21 AT APPLICANT’S REQUEST**

**PMS/C20-11– Four-Eight Main, LLC– 4 Main Rd & 8 Main Rd – B: 45, L: 9 & 10 – minor site plan with variances for upgrade to existing restaurant - Notice Acceptable
ACT BY: 6/3/21**

On behalf of the applicant was Mr. Steven Schaffer, Esq., Mr. Joseph Vince, Planner and Engineer, and Mr. Brian Petrucelli, operator.

Mr. Shaffer, Esq. gave his opening remarks. He reviewed what they would be discussing tonight including: the block and lot, previous use, B-1 zone, Eckert Locksmith property included in testimony, preliminary and final site plan approvals, interior renovations, sprucing up the outside, re-erecting the two outside windows, improvements and signage, establishing a new restaurant business, parking variance, license to use Eckhart property during off hours, variance

for new signage, which they are replacing existing and relocating the current non-conforming sign, Mr. Omland and Mr. Burgis' reports, non-conforming approvals from previous owner that the board granted, minimum lot widths, not changing, only improving pre-existing approvals, focus on parking and signage, and two witnesses to testify.

1st witness, Mr. Vince, Engineer, was sworn in and credentials accepted.

Mr. Vince's engineering testimony followed on his preparation, site visits, ordinance and master plan review, proposed plans, review of professional reports, exhibits including colorized site plan and architectural plans.

Exhibit A-1 (Aerial Exhibit) dated 4-8-21 from Google Earth of surrounding area and subject property was submitted.

Exhibit A-2 (Colorized Version of Survey called Existing Conditions Plan and Details) last revised 11-23-20 was submitted.

He testified on the following items: Lots 9 & 10, combined acreage, B-1 business district zoning, undersized lot, frontage on Rt. 202, Fulton Street, Boonton boarder, fully developed properties, uniqueness of shared parking and driveway, characteristics, previous development, building uses, square footages, number of parking spaces, unusual shape of property, willingness to put agreement in formal format, drive aisles, parking lot function, asset listing, number of seats in restaurant, 1990 resolution, previous use intention, site's current condition, and what proposing to fix up site.

Exhibit A-3 (Photo Package) including 20 photos taken by Mr. Vince on 7-9-2020 of the existing site was submitted. He showed the various views of the mixed-use building including store and apartment, what Poor Henry's Bar used to look like, landscaping, parking lot deterioration, handicap ramp, view from Fulton Street, entrance driveway, Locksmith, and business across the street.

Exhibit A-4 (Colorized Version of Preliminary and Final Site Plan) including Block 45, Lots 9, 10 & 11 was submitted. He testified on what proposing including: new name, new signage, existing window behind signs, reestablishing windows, sign improvements, number of parking space reduction, 45 total spaces, improvements, ADA spaces and meeting current standards, wheel stops, 100 restaurant seats proposed, hours of operation of 11am to 2am, ordinance requirements, Sunday through Thursday proposed to close earlier, but want to keep the option to stay open later, number of employees on each shift, delivery timing by box truck of four times per week, circulation of, location of, trash pickup including two dumpsters, one for single stream recycling and one trash, proposed enclosure with wooden fence, trash and recycle plan submission including circulation of and pick up of two to three times per week, entrance to site off Rt. 202, directional arrows of entrance only and exit onto Fulton street for all properties, site distances, maintaining current circulation, no grading changes planned except to ADA spaces as needed, conforming to regulations, Crooked Brook location outside flood hazard area with no grading of or disturbance of, no lighting changes, light reading preformed and results of, feels adequate for use, proposed landscaping along Rt. 202 including shrubs, ground cover, and river

stone, existing sign and distances from roadway and building, proposed monument sign with planter below sign including heights, materials, letter color, widths, and scale of, no additional impervious coverage, and no increase in storm water management.

Chairman Lewis asked about sidewalk improvements. Mr. Omland asked questions and/or comment on his 1-31-21 memo on the following items: permanent easement needed, ADA parking spot location choices, lighting compliance and non-conformity, dumpster enclosure location in floodway and relocation option, restriping, 100 restaurant seat confirmation, pavement repair plan, adding to plan as it relates to flood hazard area, striping and directional arrows painted on driveway entrances and exit, signage improvement, enhancing circulation, need for sidewalk improvements, and trip hazards. Chairman Lewis inquired about the request from the township engineer dated 3-30-21 for mid-block crosswalk with upgrade to sidewalk and curb to be ADA compliant. Mr. Burgis asked for confirmation of painted arrows on entrances and exit with a provision of Do Not Enter sign. Board members asked questions about the flood light on back of Eckhart Locksmith building and landscape plan for corner of Fulton and Rt. 202.

2nd witness, Mr. Petrucelli, business operator was sworn in. He spoke on the following items: his relation to project, owner, day to day operation of both properties, landscaping projects to date including the mulch, removal of existing bushes, looking to expand on what is proposed in front of restaurant. Vice Chairman Maggio asked Mr. Vince about the lighting along Fulton Street for safety concern.

The meeting was open to the public on Mr. Vince's engineering testimony. There being none, the meeting was closed for public comment on a motion made by Mr. Braden seconded by Mr. Agnoli - All in Favor by Voice Vote. None opposed.

3rd witness, Mr. Vince, Planner, was sworn in and credentials accepted. Mr. Schaffer reviewed the outline of variances that are pre-existing and/or improvements. Mr. Vince testified on the following items: parking lot curbing requirement, pre-existing non-conforming conditions, adding curb stops, wheel stop additions, drive aisle widths, non-conforming preexisting configuration and function of, parking setbacks from street and building, no changes proposed, and new variances, not exceptions. Mr. Burgis commented on looking at application as a totality. Mr. Vince continued his testimony on: positive and negative criteria of site, how he came up with plan, number of parking spaces and reasoning for, apartment and retail, rental from locksmith, parking generations and peak times, appropriate criteria, required number of parking spaces, reduction of number of tables of previous use, and additional parking availability on Fulton Street. Mr. Burgis commented on parking demand as it relates to relief and the ordinance requirement for decorative lighting along street frontage. Vice Chairman Maggio was concerned with lighting down Fulton Street. Mr. Petrucelli reported that all lights have been fixed and are working and they will install the required Towaco lighting. Mr. Vince commented on the negative criteria and effect on Master Plan, detriments, public good, overall Master Plan goal of improvement to site, building, landscaping, permitted use, MLUL plan of encouraging and promotion of redevelopment, addressing the community concerns, sidewalk improvements, benefits to community and public, functional role in establishing a restaurant and preservation of a retail use, promoting economic development in area, maintaining turning, traffic generations, reuse of existing building and maintaining previous use, renovation and modernization of, sign in

more conformance, providing streetscape lighting, building material improvements, no detriments, furthering Master Plan, zoning benefits, encouraging shared parking in area, trying to meet intent of Master Plan, positive criteria, goals of health, aesthetic improvements, promoting safety with internal site circulation regarding signage, etc., promotion of desirable visual improvements as to what is there today, C1 & C2 variances, weighing as a whole, positives outweighing negatives, no detriments to Master Plan, hardships, unique shaped property and buildings, limitations of, existing structures themselves as they relate to setbacks, ADA improvements, safety, aesthetic, making more conforming, parking variance, reasoning, how mitigating the previous function of circulation on property, exterior upgrades over to other building, and opera request for an accidents on property. Chairman Lewis asked for architectural drawings. There were no questions from board members.

The meeting was open to the public on Mr. Vince's planning testimony. There being none, the meeting was closed for public comment on a motion made by Mr. Lipari seconded by Mr. Agnoli - All in Favor by Voice Vote. None opposed.

Mr. Petrucelli, owner, further answered questions about operation, design, building next store, goal to replicate building, extending landscaping, sprucing up right-of-way, starting with restaurant building and then move onto retail and tenant building, and ADA ramp addition. There were no board member questions.

The meeting was open to the public on Mr. Petrucelli's testimony. There being none, the meeting was closed for public comment on a motion made by Mr. Lipari seconded by Committeeman Conklin - All in Favor by Voice Vote. None opposed.

The meeting was open to the public on the overall testimony. There being none, the meeting was closed for public comment on a motion made by Dr. Kornreich seconded by Mr. Braden - All in Favor by Voice Vote. None opposed.

Mr. Schaffer gave his closing remarks taking about the difficult site, improvements, hiring local employees, willing to work with Township, and thanked the board and professionals for their time.

Chairman Lewis summed up the nine items for review as condition of approval: move dumpster from floodway, adding curb ramp at crosswalk, add lighting to parking area, Towaco lighting streetscape, extend landscaping, reconstruction of sidewalk, DRC approval, one way striping, and 100 restaurant seat limitation.

A motion to approve the application with the above listed stipulations was made by Mr. Braden, seconded by Mayor Cooney, Roll Call - All in Favor by Voice Vote. None Opposed. (R. Conklin, T. Braden, A. Maggio, F. Cooney, L. Kornreich, R. Lipari, N. Agnoli, P. Repic, & G. Lewis)

CORRESPONDENCE / EXTENSIONS / DISMISSALS

There were no Correspondence/Extensions/Dismissals to come before the board.

CONCEPTS

There were no Concepts to come before the board.

CLOSED SESSION

There was no need for Closed Session.

ADJOURNMENT

There being no further business to discuss Chairman Lewis asked for a motion to adjourn. On a motion made by Committeeman Conklin, seconded by Dr. Kornreich, the meeting was unanimously adjourned at 9:53pm.

Respectfully submitted,

Kelley Kehoe, Recording Secretary

I certify that this is a true copy of minutes adopted at Planning Board meeting of

Jane Mowles, Secretary